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OFFICE OF PETITIONS

In re Patent No. 7,070,975 :
Yoshimura et al. : DECISION ON REQUEST
Issue Date: 4 July, 2006 : FOR RECONSIDERATION OF
Application No. 10/726,148 : PATENT TERM ADJUSTMENT
Filed: 2 December, 2003 : and
Atty Docket No. PF613TD1 : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)" filed on 5 September, 2006. Patentees request that the Patent Term Adjustment for the above-identified patent be set at 333 days.

The request for reconsideration of the patent term adjustment indicated in the patent is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of three hundred thirty-three (333) days.

Patentees state the instant application is not subject to a terminal disclaimer.

On 4 July, 2006, the above-identified application matured into U.S. Patent No. 7,070,975. The instant request for reconsideration filed 5 September, 2006, was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 263 days.

Patentees contend that a reduction for failure by the Patentees to engage in reasonable efforts to conclude processing or

examination of the above-identified application as set forth in 37 CFR § 1.704 is not warranted. In essence, Patentees' dispute the reduction for 70 days associated with the filing of an Information Disclosure Statement (IDS) after the mailing of the Notice of Allowance. Patentees state that no IDS was actually filed after the mailing of the Notice of Allowance, and thus, no reduction of 70 days is warranted.

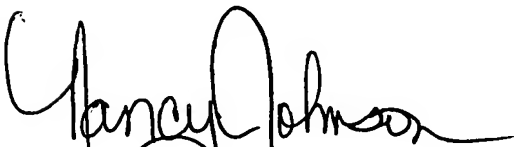
Patentee's contention is well taken. A review of the image file wrapper reveals that no IDS was filed on 24 March, 2005. Rather, on 1 June, 2006, a supplemental Notice of Allowance was mailed indicating that the examiner had considered the IDS filed with the original application papers, on 2 December, 2003, in response to a Printer Rush request. As such, no IDS or supplemental paper was filed after the mailing of the Notice of Allowance.

In view thereof, the patent term adjustment indicated on the patent should be three hundred thirty-three (333) days (345 days of PTO delay, reduced by 12 days of Applicant delay).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by THREE HUNDRED THIRTY-THREE (333) days.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,070,975 B2

DATED : July 4, 2006

INVENTOR(S) : Koji Yoshimura et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (101) days

Delete the phrase "by 263 days" and insert – by 333 days--